

FEDERAL MARITIME COMMISSION

ORIGINAL

ODYSSEA STEVEDORING OF PUERTO RICO, INC.

v.

PUERTO RICO PORTS AUTHORITY;

INTERNATIONAL SHIPPING AGENCY, INC.

v.

PUERTO RICO PORTS AUTHORITY;

SAN ANTONIO MARITIME CORPORATION

v.

PUERTO RICO PORTS AUTHORITY.

Docket Nos. 02-08; 04-01; 04-06

Served: November 7, 2006

ORDER

The above proceedings are before the Commission for a determination of whether the Puerto Rico Ports Authority (PRPA) is entitled to sovereign immunity from the Commission's adjudication of these complaints. On October 17, 2006, the Commission heard oral argument in these matters. On October 19, 2006, PRPA filed a notice to the Commission regarding alleged material misrepresentations made at the October 17, 2006 oral argument. On October 26, 2006, Odyssea Stevedoring of Puerto Rico, Inc. ("Odyssea") and International Shipping Agency, Inc. ("Intership") filed a response to PRPA's notice, and on October 30, 2006, San Antonio Maritime Corp. and Antilles Cement Corp. (collectively "SAM") filed a response. Each of the Complainants also included requests for relief which constitute separate motions. On November 2, 2006, PRPA filed a consolidated reply to Complainant's responses.

We have determined to reject PRPA's motion as discussed more fully below. As a result, the subsequent filings by Complainants and Respondent are rejected as moot.

Although PRPA's initial filing is termed a "notice," it is in fact a motion pursuant to Rule 73 of the Commission's Rules of Practice and Procedure, 46 C.F.R. § 502.73. Rule 73(c) requires that all written motions state clearly and concisely the purpose of and the relief sought by the motion, the statutory or principal authority relied upon, and the facts claimed to constitute the grounds requiring the relief requested. PRPA's motion does not indicate the purpose of the filing or the requested relief. PRPA has also failed to request leave to file a motion. The allegations contained in the motion therein have no bearing on the issues before the Commission.


PRPA's motion would also fail under Rule 230 of the Commission's Rules of Practice and Procedure, 46 C.F.R. 502.230. If the intent of the motion is to provide supplemental evidence for Commission consideration, PRPA would be required to file a petition to reopen the proceeding pursuant to Rule 230. This matter was submitted to the Commission at the conclusion of the oral argument pursuant to Rule 242. In any event, the motion does not appear to provide any evidence to aid in the Commission's deliberations.

THEREFORE, IT IS ORDERED, That the Respondent's October 19, 2006, filing is hereby rejected.

IT IS FURTHER ORDERED, That Complainants' filings of October 26 and October 30, 2006, are hereby rejected.

IT IS FURTHER ORDERED, That the Respondent's November 2, 2006, filing is hereby rejected.

By the Commission.



Bryant L. VanBrakle
Secretary